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A M E R I C A
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M O T H E R - C O U N T R Y ;

And their reciprocal Claims and just Rights
impartially examined, and fairly stated.

QUID NOSTRAM CONCENTUM DIVIDAT, AUDI.

H O R.



L O N D O N.

Printed for J. WILKIE, in St. Paul's Church-yard.

M.DCC.LXIX.

INQUIRY

NATURE AND CAUSES

OF THE PRESENT DISPUTES

RELATIVE TO THE

AMERICAN

NORTH-COUNTRY

AND THE REVEREND CHURCH AND THE HIGH
CHURCH OF ENGLAND, AND THE BISHOP

OF DORSET, CONCERNING THE
HOLY



LONDON

Printed by J. W. Smith, at the Pall Mall Church-yard

M. DCC. LXX.

AN
INQUIRY
INTO THE
NATURE and CAUSES, &c.

THE disputes at present subsisting between our Colonies in America and their Mother Country, are as weighty and important in their nature, as they are alarming and formidable in their effects, and of so long standing, that every true friend to either cannot help ardently wishing they were amicably adjusted and fairly determined. If the following remarks upon this subject, wherein I shall endeavour to place it in a new, and, I presume, a clear point of view, will any way contribute to this end, it will give me real pleasure; although to conceive the most distant expectations of success from any thing that can be said upon it, will perhaps be a much stronger argument

of my benevolence and good wishes, than of my prudence or sagacity. For in a cause wherein the interests of mankind are so nearly concerned, and their passions and prejudices so deeply engaged, as the present, to suppose that the *still voice* of reason and of truth stands any great chance to be heard, would indicate no small inexperience of the world. But, on the other hand, to suppose that a whole nation, however generally under the above unhappy predicaments, is altogether void of candour and ingenuity, would no less indicate the same inexperience, or else, what is much worse, a great deal of self-depravity.

Peace, harmony and friendship, especially between kingdoms, and more emphatically still between the different parts and members of the same kingdom, are certainly objects of the highest consequence, never to be despaired of, and always to be preserved and cultivated with the utmost application. Whoever promotes these deserves well of his country, and whoever disturbs or acts in opposition to them, is an enemy to it. And even in the pursuit of liberty itself, the most valuable of blessings in this world, certain measures are to be observed; and
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decency, as it generally is, not wholly to be forgotten or trampled on. For by this means matters are very often pushed on to extremities, which might otherwise be very honourably and equitably adjusted.

To discuss this subject as it stands upon the footing of charters and statute laws, is what I do not at present intend. For this has been already very copiously and solemnly done, by persons no less distinguished for their abilities than station, with equal precision and judgment. But, in my humble opinion, they did not allow themselves, in handling it, the latitude it would have admitted of, nor consider it in some points of view, which it seems to require. But this perhaps was then beside their purpose, and, as the case was then circumstanced, not altogether necessary; although to me, in the present state of things, a more ample discussion of it appears indispensable.

Charters may be again explained, statutes enacted, and parliamentary declarations made fifty times over, and yet the public grievances still remain, if their true cause is not well understood. I do not say that this is really the case at present; but I think the fundamentals

of legislation, in what has been hitherto said upon the subject, have not been properly attended to, nor examined. To supply this defect, therefore, is what I propose in the sequel; not to point out what measures we are authorized to take, in virtue of charters, statutes and parliamentary declarations, or even of received customs, but rather to inquire what in this matter ought to be done, and what prudence and sound policy dictate, upon the footing of the most approved maxims, and true principles of Legislation.

We live in an age when the sciences, in every kind, are arrived at a perfection unknown to former times; it is therefore but reasonable to expect that our public and most solemn acts should be proportionably dignified with authentic marks of these boasted improvements. But the misfortune is, where our interest is concerned, we meet with such a narrowness both of thinking and acting upon every occasion, as is far from distinguishing us from the most barbarous period of antiquity, or at least from ages that were almost perfect strangers to our present advantages. If this were not the case, the national spirit of Great Britain would

would appear quite different in regard to the matter in debate, from what we now find it. And her infant colonies would observe a more obliging and dutiful demeanor towards her, than they seem at present inclined to do. But directly to the point.

The following essay shall be founded upon the three following inquiries; First, Whether the colonies should not be allowed to enjoy the same political privileges and advantages with the mother-county? Secondly, Whether the frame and model of the British constitution is such, as practically to admit thereof in respect of America? And Thirdly, Whether, in case that should be found impracticable, such a form of government should not be established there, as shall appear most unexceptionable, and will best secure to the colonies their just rights and natural liberties?

The affirmative, in regard to the first of these queries, requires, one would think, no proof. And yet it is, I believe, what a great majority among us would be very unwilling to admit of in fact, whatever they might pretend to. Colonies we are apt to consider in the light of factories, who

who are only to contribute to our wealth and aggrandisement, and are wholly to be regulated and controuled by ourselves, in such manner as we think will best answer our present designs and purposes. But herein we are certainly mistaken. The increase of dominions and subjects, should only be a proportionable increase of wealth and power to the whole empire, and not the aggrandisement of one part of it at the expence of the other. A large empire, well connected, and equitably governed, has indeed many advantages; not only as it is best able to defend itself against injuries and encroachments from its neighbours, and as it affords a more ample supply of the necessaries and conveniences of life within its own boundaries, but also upon many other accounts, too tedious here to enumerate. But if the different countries or nations which form it, are distinguished, from no reasonable, or, as it often happens, from the most unjust motives, with a partiality in the laws by which they are governed, divisions and murmurings, if not actual rebellions, are evidently unavoidable. The more extensive such an empire is, the weaker it is. For the divisions and parties in it are the more numerous,
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and consequently its dissolution will be the more signal and speedy.

An empire therefore should pay equal attention to all its parts; and, if there is any difference, the most distant demand the greatest, at least in point of policy, if not of justice. For abuses, more or less, will inevitably creep into all governments; and it is in the remotest provinces they generally harbour with most impunity. And as these provinces are always the first to revolt, when an opportunity offers, frequently after a series of ill usage; they therefore most certainly ought not to be the last attended to, or worst regulated.

Kingdoms and empires are often styled bodies politic, intimating that every part or member thereof should be so connected together, to form the whole, as we see they are in natural bodies. The same attention and impartiality which is invariably observed in guarding or guiding the latter, should no less invariably be exercised towards the former. And it is from hence they derive their harmony, strength and vigour. And one cannot help wishing there were the same involuntary sympathy between the several mem-

members of bodies politic, as there is between those of natural ones, since moral equity has generally so little force to produce it.

It is therefore wholly the effect of the illiberal notions, and partial views of government here complained of, that the trade and manufactures of different provinces are laid under the restraints we often see them. And, in short, from the same unhappy source, spring most of the inequitable laws and inhibitions, to which colonies and the more remote parts of an empire are frequently subjected. It would require but a small share of knowledge in the nature of trade and manufactures, fully to prove, and even demonstrate that, in general, they should lie under as few restrictions as possible, and, for the same reasons, should be freely allowed to retire and settle in whatever provinces of the empire they may be carried on to most advantage. But this is a maxim which would be almost universally contested, if not absolutely rejected in England, as often at least as her interest should seem to come into competition with that of her colonies. But why they should be denied or envied the natural advantages

tages of their situation, I cannot see. If Britain herself is not immediately thereby benefited, the British empire, which ought to be considered as the same thing, most evidently is. But we are continually, in this matter, mistaking our true point of interest. Instead of seeking to collect into this island the specie of the whole empire, every channel should be laid open to diffuse it equally throughout it, which would naturally, in a short time, divest the colonies of their present superiority, in the article of cheapness, over their mother-country. But while money is accumulating in England, in a proportion beyond that of its neighbour nations, our trade must inevitably decline. And it is the French, and not our colonies, that we ought to be jealous of. But this may be thought rather a digression, though I cannot view it altogether in that light, if it helps, as I presume it does, to point out the folly and injustice of not treating all the parts and provinces of an empire, with the exactest impartiality.

This, upon the foot of nature, is undeniable. For why should not the Americans, though
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born in another part of the globe, be entitled, while subject to the same government, to all the privileges, indulgences and advantages, which are considered as the birth-right of those who first breathe the air in Great Britain? To dispute or deny this would be equally ridiculous and absurd. And in point of policy, as well as equity, I can discover no reason why they should be abridged of any of them. And even if their loyalty was, upon good grounds, suspected, whatever vigilance or severity might become necessary, they ought to be only such as should be agreeable to the practice of England, upon like occasions; but the current of the laws should not be diverted, or made to run opposite to the spirit and fundamentals of our constitution. To accumulate proofs, in support of what I here assert, may justly be deemed unnecessary, and therefore I shall immediately proceed to my second proposition, which was, To inquire whether the frame and model of the British constitution is such, as practically to admit of securing to the colonies the same political rights and privileges with the mother-country.

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This to me appears a very material inquiry, although it seems but very little attended to, if not wholly overlooked. That it is the nature of some governments not to admit of an enlargement of dominions, is clear beyond all doubt. Of this the Spartan constitution, in particular, is a noted instance. The design of Lycurgus in framing it, was only that it should maintain its own independency amongst the states of Greece, without in the least aiming at the reduction of any of its neighbours. And this end, so long as it was preserved inviolable, it very effectually answered. And not only so, but it gave the Spartans, while contented with their original limits, a kind of superiority over their neighbours, which, when they attempted to extend them, they were not able to preserve. It was, in its fundamental principles, notwithstanding whatever might be vicious or defective in it, one of the freest and most perfect forms of government in all antiquity. It was composed of the three estates, not unlike that of Great Britain at present ; only the constitution of the Ephori, whose power was not very different from that of the Tribunes at Rome, was annexed to it about

an hundred and thirty years after it was first founded by Lycurgus.

But, as free and perfect as it was within itself, it was the most illiberal in the world for an extension of empire. Nothing could be more impracticable, upon the plan and principles of it. Nor could it ever be attempted without actual violation of so material a part thereof, as brought on, at length, its final ruin and dissolution, together with the absolute reduction and conquest of that once brave and heroic people.

Nor was the Athenian constitution much better calculated for this purpose. By a very impolitic decree, ascribed to Pericles, it was rendered, in its views and nature, perfectly confined. For by this decree it was declared, that none should be held for natural and true Athenians, but such as had both Athenian fathers and mothers. Through this fatal measure the state was not only extremely weakened at home, above one quarter of the citizens being thereby excluded, but was likewise quite disabled from annexing or incorporating any of its conquests;
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and was therefore obliged to hold them only upon the footing of allies, or of tributary provinces. And the consequence of this was, as might have been easily foreseen, that all of them, in their turn, seized the first opportunity that offered, to assert their liberty and independence. So long as they were distinct people, they had still different and distinct views, which could only have been contracted by an actual union with the Athenian commonwealth. And this, in all probability, if it had been seasonably effected, and the nature of the constitution had admitted of it, would have rendered her sovereignty over them lasting and permanent. This very capital error was likewise common to the Thebans, and all the Grecian states.

But the Roman government was of a genius more liberal and comprehensive. The colonies and conquests of this wonderful empire, were, to a considerable extent, naturalized and incorporated, and had their proper share of weight in the legislature. This constitution, it is true, when first founded by Romulus, was extremely defective and imperfect, as consisting only of

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two estates, the popular one being wholly excluded. In length of time, however, it became so much improved, by the addition of the third estate, and other alterations, as to admit, when arrived at the highest pitch of perfection, of as much freedom and liberty, as perhaps almost any form of government that we read of in ancient history.

This constitution, notwithstanding, however excellent in itself, could not operate with the same vigour, and to as good purpose beyond a certain sphere. The more distant provinces, how much soever of the Roman laws and customs they might adopt, or were actually introduced and established among them could not possibly enjoy all the privileges and advantages of a citizen of Rome. It was in Italy alone that the people, with the tribunes at their head, could arrest the consuls, confirm or abolish the decrees of the senate, deliberate of peace and war, and decide alliances, treaties of peace, and conventions with foreign states and princes. This was a power which could not possibly, in the nature of things, be vested in different provinces. Nor could it, with any propriety or
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convenience, fall to the share of any other, than that only where the seat of empire was fixed. And yet it was upon the full enjoyment and exercise of this prerogative, that their freedom and liberty must in a great measure depend. Besides, it was in Italy alone they were sole masters and arbiters of rewards and punishments, and could fix pecuniary mulcts upon such as had been possessed of the highest employments. And, above all, it was here alone they had the sole right of condemning Roman citizens capitally.

In the provinces and more remote parts of the empire, the governors and presidents were invested with large and extensive powers, which they very often most shamefully abused. And though in many of them the taxes, levied by the Romans, were frequently much less than had been raised in them in the time of their independence, yet we find them sometimes demanded and collected by these and other superior officers, in a manner extremely unequal and irregular. These practices, however, were by no means warrantable upon the principles of the constitution, which in its frame and model had
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abundantly guarded against all oppressions of this nature.

For, ever since the reign of Servius Tullius, their sixth and last king but one, they had established among them a regular and equitable method of raising and collecting taxes, which they called a *census*, or enrolment, whereby they were required upon oath to register their estates, according to their value in money, and likewise their names, quality, and employment, together with the name of their parents, their own age, and the names of their wives and children. To this they were also required to add the number of their servants or slaves, specifying the work or service they were employed in; an exact estimate of the true value and profits of all which was to be made out, and finally settled by the censors. And it was agreeably to the amount of this estimate the taxes were to be raised and collected.

This form of levying taxes, which was the ancient and constitutional one, was likewise the same that was usually observed in the provinces. But an order of the senate, or edict
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of the emperor, were the measure of these levies : and sometimes even the base will and direction of the president. The people's consent for this purpose was not at all thought requisite; nor were they herein ever consulted. The Roman liberty could here be but little boasted of. It was not their prerogative, nor yet their privilege to make laws, but humbly to obey. And whenever they thought themselves injured or aggrieved, they could only prefer their complaints to the senate. For it was only from the senate, and not from themselves, they could hope for redress. They were notwithstanding, in general, governed with great equity and moderation; and complaints of this kind were much fewer, than might have been expected from so large and extensive an empire.

They were not however considered as aliens to the commonwealth, but as the children and friends of the republic. And they were allowed, upon the whole, perhaps the best conditions which the nature of their government would admit of. Offices and preferments, both civil and military, were alike open to all;

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and none were precluded the highest dignities in the state. Rome and her provinces were in this respect upon a level: for to secure them from revolting, they rightly judged it the best means to take into their service the most active and ambitious therein, and to reward the most deserving with suitable preferment. Thus both the Gauls, in particular, were filled with consular families. And in this conduct indeed, both their justice and their policy, it must be acknowledged, were equally conspicuous. The wise maxim of uniting and incorporating, as much as possible, all parts of the empire, which they had received from Romulus, they ever afterwards continued. And to this may be justly imputed, in a great measure, the stability and duration of it, whereof they themselves were perfectly sensible.

These few, succinct and cursory remarks, upon the nature of the Grecian governments, may serve to shew us that some constitutions are of that kind, as to render colonization or any extension of empire, in a manner, wholly impracticable: and those also upon that of the Roman, to convince us, that even the most liberal

liberal and comprehensive form thereof, cannot operate with equal vigour beyond a certain sphere. For all the privileges and prerogatives of the citizens of Rome, could not possibly, in the nature of things, be vested in the provinces, without an actual subversion of the state. For all governments must be drawn to some certain point wherein the whole is to centre. Supreme power and authority must not, cannot reside equally every where throughout an empire. For this would rather suppose absolute confusion and anarchy, than any imaginable mode of government. However, as in all free states supreme authority is derived from, so it ultimately resides in, the people.

For the laws by which they are governed must necessarily derive their very existence from them, through the medium of their representatives; kings and princes being only the chief magistrates chosen and appointed to superintend the execution of those laws, whereby they themselves are no less bound than their subjects. Now the bottom on which a free government is founded, is in its nature just as extensive as the utmost limits of the

empire itself, from the several parts whereof one only supreme assembly of representatives, for making laws, can regularly be formed. If we admit more such assemblies than one, the power and authority of all but one must necessarily be abridged, and brought in subordination to one only as supreme. For if each assembly, in this case, were absolute, they would, it is evident, form not one only, but so many different governments perfectly independent of one another. These are, I grant, obvious and known truths; but known truths are not always as generally so as they ought to be, much less are they as duly weighed and considered. And obvious as they are, it was necessary for me in this place to premise them, in order to set my argument in a just and proper light.

Now that of Great Britain being exactly the kind of government I have been here speaking of, the absolute impracticability of vesting the American assemblies with an authority, in all respects equal to that of the mother country, without actually dismembering the British empire must naturally occur to every

every one. For all government is founded alike in a subordination as well as union of all its constituent parts; of which notwithstanding none can be justly excluded its natural and due weight in regulating, as it necessarily has in forming the whole. Thus although the British parliament may indeed with propriety make laws for Britain, yet it cannot with the same propriety exercise the like power with respect to America, while those parts of our dominions are not fairly represented in it. Nor, on the other hand, can our colonies make laws for themselves in their own assemblies, without thereby actually declaring themselves independent states, unless what they enact is only of force, so long as it is not inhibited or reversed by the parliament of Great Britain. And while their power stands thus limited by a superior authority, whereof they themselves have no share, they cannot be considered as a free people. For they are subject to laws and regulations not of their own making, which is the very definition of slavery. That they may notwithstanding be governed with equity, and treated with mildness, in a degree not at all inferior to England, is very possible, and on some

some accounts, by no means improbable; yet still, upon the above footing, their constitutional rights and liberties must be precarious and uncertain.

And here I cannot help making this remark, that the more free a constitution is in its nature, the less extensive it is in its views. For the larger the empire, the more numerous and unwieldy the democratic branch of it necessarily becomes. And therefore where divers remote and distant countries are united under one government, an equal and fair representation becomes almost impracticable, or, at best, extremely inconvenient.

But inconveniences, arising purely from extent of dominions, where they all lie contiguous upon a continent, are nothing comparable to those where they are divided and parted by seas, especially wide oceans like that between us and America. A parliament or diet might be convened from all parts of Germany, for example, at any particular city therein, without any extreme difficulty, even on a few weeks notice, notwithstanding the vast

vast extent of that country. Nor, should we suppose France also annexed thereto, would the thing be at all impracticable. But should we carry our supposition much farther, the inconveniences attending such long journeys would be very great, although not interrupted by water. This, however, would not be nearly so difficult as to convene a parliament partly from Europe and partly from America, which yet, in the present case, is certainly necessary to render government equal to all the subjects of the British crown. For the nature of our constitution is evidently such as absolutely requires a general and impartial representation; which, notwithstanding, cannot be supposed to exist, so long as American members are not admitted to sit in the British senate. Hence therefore appears the stubbornness and inflexibility, if I may so call it, of the genius of our constitution, although in itself the most complete and perfect of any in the whole world.

An arbitrary or military government would have laboured under no difficulties of this kind at all. France would have ruled over the whole continent of North-America, with more ease

ease and less ceremony, than we can over one single province of it. A few brief and succinct forms, together with a good standing army there, would have readily done the business. But the English constitution is quite of another nature, and proclaims to all a liberty and freedom unknown in other countries. And it is this peculiar excellence of it, which constitutes the genuine and true cause from whence the present difficulties in adjusting the rights and privileges of our colonies arise. To point out, therefore, the most effectual and consistent means, for compromising the disputes and differences resulting from these difficulties, is what we should next attempt, but that I must first proceed, agreeably to the order I have laid down, to inquire, in the third place, whether, although it should be found impracticable, from the nature of our constitution, to admit the Americans to the full possession of all the prerogatives and privileges of Englishmen in the mother country, they should not be allowed such a form of government, as will best secure to them their just rights and natural liberties?

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But this very inquiry will possibly appear quite unnecessary, if not absurd to many; yet I cannot help thinking it much more absurd, to hold that the British parliament, as it now stands, hath an undeniable right to make laws for North-America. Were people considerate and impartial enough to make this inquiry for themselves, it would certainly be quite needless for me to make it here for them. For barely to put the question, one might reasonably expect, to most men, a sufficient answer to it. Indeed to maintain this position, that it is just and equitable for one half of a kingdom, to hold the other half in chains, is what, I believe, few among us are hardy enough openly to attempt, although three parts in four, perhaps, of the whole island, are very forward to embrace tenets and maxims scarcely more liberal. And it is not unlikely but most of those, if not all, who are strenuous advocates for one side of the question in England, would immediately veer about, and espouse quite the opposite in America. Besides, what would they say, were it put in supposition that the seat of empire were shifted over and fixed in America, and England was to be governed upon the footing

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of a colony? it is very easy to conceive, I think, what in this case would be their language. And justice requires that we should do by others, as we would, in similar circumstances, be done by ourselves. Nay, is it not, let me ask, most egregious folly, so loudly to condemn the Stuart family, who would have governed England without a parliament, when at the same time we would, almost all of us, govern America, upon principles not at all more justifiable?

And though they were tied down by their charters to the most servile and dependent state imaginable, it would, I think, be extremely ungenerous now to make that an argument for continuing them upon the same footing. For in my opinion the question should be, not how low we can depress them, but how high we can raise them without making them absolute or independent, and consistently with our rights of sovereignty over them. This certainly is by far the most liberal and Christian way, both of thinking and acting in this matter. And whatever is so, is ultimately the most politic. For the most
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lasting empires are always founded in principles the most agreeable to justice. And their dissolution is as invariably the consequence of a deviation therefrom, either in mode or practice. But those founded in violence and oppression are seldom durable. Besides, it can never be deemed a wise measure by men of the least thought or reflection, to make slaves of the Americans, were it a thing ever so practicable. So large a body of men, at the devotion of a wicked minister, would be very formidable to England. And a people long habituated to servitude, and in whom the love of liberty as well as all sense of the just value of it, was extinguished, would certainly be the most proper instruments to reduce others to the like condition. In some things indeed we seem jealous of our liberty, and even of what we apprehend has the most distant tendency to undermine it, almost to a degree of enthusiasm; and yet in others our apprehensions on this head are perfectly dormant. Where prejudice, passion, or seeming interest are concerned, we are no longer Englishmen, wise, circumspect, just and generous, but the blind dupes of our own folly; of which our con-

duct, upon the present occasion, is too glaring an instance. But to return —

Now as some truths are so clear and obvious, that to go about to prove them, is only taking pains to render them suspected, or, what is worse, if possible to obscure them, Among these the object of the present inquiry should, I think, be considered; I shall therefore change the state of it, and proceed to examine in the sequel, what that form of government is which will best answer the purposes above specified. But, in the first place, I must beg leave to observe that, in my opinion, the Americans found their complaints upon a narrower bottom, than the nature of the subject would admit of. For the only grievance they seem to be sensible of, is the right of taxation, claimed over them by the British parliament. This certainly is a very important branch of legislation, and may be called one of the three principal objects of government. For to this number these may in some sort be reduced, *the security of person, property, and religion*, and whoever, therefore, claims a right to dispose of any one's property,

perty, without his consent either directly or indirectly, claims at the same time a right to rob him of the protection of government in one of its principal objects, and indeed consequentially in two. For an unlimited power to dispose of a person's goods may, through wantonness or cruelty, be exercised to that degree of severity, as actually to cause both him and his family to perish. And though government itself, which yet necessarily is absolute, should claim such an authority, under the above predicaments, it would evidently be a government founded in injustice. Hence then it appears what alarming consequences a right of imposing taxes involves in it. Can it therefore surprise any one that the colonies should be jealous of this right? or rather would it not be much more surprising, were they not jealous of it?

However, a right of legislation in general over them, they certainly may with equal justice and propriety dispute, so long as they continue unrepresented in our parliament, or some other way are not admitted to a due share of power, in making those laws to which they
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are subject. For people may be harassed or injured an infinite number of ways besides only in the article of taxing them. But this not being the case at present, their complaints seem to be wholly confined to this one article. To this therefore I shall entirely confine my subsequent inquiries, and more especially since it is not improbable, if a point so very material could be adjusted to mutual satisfaction, but it would be less difficult to settle any other that should ever come to be disputed.

That every government should support itself, is a truth too obvious to be contested. And that England has an undeniable right to consider America as part of her dominions, is a fact, I presume, which can never be questioned. For few empires can produce as just a claim to half their provinces, as that of England to her's in America. I will only observe at present, that it was England, in some sense, which at first gave them being (excepting only that part of them which was ceded to us by the French) and ever since has defended them with her arms, and governed them with her laws. It is therefore but just and equitable that they should,

should, in return, contribute a reasonable proportion for the support of that government, by which they are protected. This they have not as yet the effrontery openly to deny. But the manner of levying such supplies is the subject in debate.

Now all the ways of raising them, which at present occur to me, are chiefly four; though each of these may perhaps be variously modeled. The first is by a requisition, made by the king and his council, of a certain sum by them fixed, to be raised in each province, in such manner as their own assemblies shall think fit. The second is by a like requisition made by parliament, and to be raised in like manner. The third is by a tax imposed in the British parliament, upon its present footing. And the fourth is by the same authority in conjunction with a general representation therein of the Americans.

The first of these, however acquiesced in on the part of the colonies, is, in my opinion, by far the most exceptionable. For if only a few men, who constitute the ministry, have a right

to appoint what sums they shall raise, and their requisition is to be indispensibly complied with, they must evidently in this case be wholly subject to ministerial government, and of course to ministerial tyranny. And that such a requisition should without reserve be complied with, is altogether obvious. For should the Americans be allowed herein a discretionary power, they will in fact be perfectly independent, and the sovereignty of England over them will be only a nominal one: because if they are at liberty to chuse what sums to raise, as well as the manner of raising them, it is scarcely to be doubted but their allowance will be found extremely short. And it is evident they may, upon this footing, absolutely refuse to pay any taxes at all. And if so, it would be much better for England, if it were consistent with her safety, to disclaim all further connection with them, than to continue her protection to them wholly at her own expence. However, should such a requisition as I have here described be acquiesced in, I know no reason we have to object to it.

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The second method I took notice of, was by a like requisition made by the British parliament, and to be raised and collected in such manner as the provincial assemblies shall like best. This method, however inadequate upon the whole, appears to me much preferable to the former, as in so large a body of men, both justice and the true interest of the empire are more likely to be duly regarded; and therefore they may reasonably expect the burden will be more equitably laid upon them. Besides, it is not improbable but some who have property among them may sit in this assembly. And it may farther be observed, that their proceedings are not quite so rapid and precipitate as those of the privy-council, so that should it be found unnecessary, they will have more time to petition or make remonstrances. For this privilege, the least which a subject can enjoy, is not to be denied them, however an ultimate compliance may be insisted on as indispensable. And it is likewise, let me add, much more probable that their ability to pay taxes, and the true state of their finances, will be better understood, as well as their petitions and remonstrances more solemnly canvassed: on all

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which accounts, and several others not mentioned, I cannot help giving it much the preference to the former, although I cannot pretend to recommend either.

And of the impropriety of the third method above pointed out, the Americans seem abundantly sensible, as appears from their conduct on occasion of the late *stamp-act*, the repeal whereof looks somewhat like an acknowledgment of the same thing on the part of the British parliament. For if that act was in itself just and equitable, though in its circumstances not quite convenient, means might have been easily discovered to remove these difficulties, without a total repeal of it. For if it was only oppressive, as imposing too heavy a tax, or productive in its consequences of some unnecessary trouble; to these surely proper remedies might have been applied, and yet its essence still preserved. But here the chief stress of the complaints made against it was not laid; but the inequitableness of it in its full extent, is what the colonies principally objected to it. The British parliament, they urged, exercised an authority they had naturally and constitutionally

tionally no right to. And a law, deriving its existence from such an authority, must necessarily, in respect of those it is imposed upon, be inequitable and arbitrary. And this the parliament, in repealing it, notwithstanding all their declarations and resolutions to the contrary, seem tacitly to have acknowledged. But this still is the grand point in debate, which I fear cannot be very easily adjusted. That there are a great many persons of integrity, worth, and character on both sides of the question, cannot be doubted. But the misfortune is, they are not all quite so cool and dispassionate in their inquiries as might be wished. Moral truth, upon which justice is founded, is generally obvious to the meanest capacity, and never lies more out of sight, than when concealed by prejudice or passion. And to have their judgments biased by either of these, or both, is what falls sometimes to the lot of all men; and is therefore what all men ought to be the more ready to excuse or pardon in each other.

My own sentiments, touching this point, are sufficiently evident from what I have already

said upon it. And whoever considers it with the same impartiality and disinterestedness, will not, I believe, find himself in the result widely to differ from me. For, as to my opinion herein, I would obtrude it upon no one, but only desire it may be fairly examined, and as fairly confuted before it is rejected or condemned. And if I seem to be an advocate for the Americans, it is for no other reason but purely because I think myself an advocate for truth. For surely I stand as unconnected, with respect to that people, as any man in the kingdom. I know of no other interest to influence me in this cause, but the interest of humanity. And the question with me is not so much what the rights of the Americans are in particular, as what the just and natural rights of all mankind are? and liberty in the utmost latitude that government can secure it, is the undoubted birth-right, my reason tells me, of every man, till he has forfeited it. And this forfeiture, on the part of a whole nation, it is quite impossible to incur. For at least children, whereof all nations in part are composed, while too young to violate any law, must necessarily be exempted. Besides, to suppose, that of those grown to maturity

maturity none at all, or only few are innocent, is to put a case so extravagant, as not to be paralleled in history, if I am not mistaken.

But to think that any people can be free, while subject to laws they are no way consulted in making, is such an absurdity as few, I believe, in their own case, would not readily discover : and common honesty requires that we should as readily acknowledge in the case of others. Let us, though but for a moment, consider ourselves Americans, and I more than presume we shall be of this opinion. For as nothing will better assist us to view each side of the question in the strongest light, so nothing will better assist us in forming an impartial judgment of it. Nor, again, is it at all more rational to maintain that that people are represented in the British parliament as it now stands. An equal representation, indeed, is a thing scarcely practicable, and what England herself cannot boast of ; but the Americans cannot properly be said to have the smallest share in it. The weight their trade and commerce with us may give them, deserves not to be mentioned on this occasion. For that is no more than
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what any country in Europe, in some degree might have. And who durst say, that Holland, for instance, is represented in England?

But those who maintain our right of legislation over them, do it chiefly, if not wholly, I suppose, because they see the necessity there is, in order to an unity of government, that such a right should be vested in us. An unity of government, it is true, is necessary to an unity of empire. But besides that this perhaps may be otherwise effected, than at the expence of the just birth-right of our fellow-creatures; yet were it only to be accomplished by such a violation, I am perfectly at a loss how to demonstrate the equity of such a procedure, unless it can be fully proved that the safety of the state can be secured by no other means. For nothing less can justify it. And the present case, I think, includes no such extremity. For whatever reasons we have to consider the retention of our sovereignty over them as indispensable; yet with me it is by no means a maxim, that we cannot otherwise secure that sovereignty, than at the expence of their natural rights. And if this may be really done, it most certainly

tainly ought. For I see no reason why conscience, truth and justice should be less regarded in national acts than private ones. And I do not at all think myself the only casuist that would argue in this manner. Nor is the practice of other states, on similar occasions, nor yet our own of whatever standing, by any means sufficient to justify an action in itself wrong. And surely to claim and exercise an authority we have naturally no right to, is an action in itself as wrong as any, I think, that we can put in supposition. But this, I presume, in general, will be granted, and yet perhaps denied in the particular case before us. Our right of legislation over the Americans, unrepresented as they are, is the point in question. This right is asserted by most, doubted of by some, and wholly disclaimed by a few. But to put the matter in a stronger light, the question, I think, should be, Whether we have a general right of making slaves, or not? the affirmative of it I solemnly protest against, although I should be reputed for it the very worst politician that ever presumed to make his sentiments public.

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But, on the other hand, it must be confessed, that under governments, in themselves very imperfect, justice may be duly administered, and order preserved. For, were not this the case, there would be little either of justice or order in the world. And the Americans may be treated with as much equity, and even tenderness, by the parliament of Great Britain, as by their own assemblies. This, at least, is possible, although perhaps not very probable. Besides, our distance from them is such, as must inevitably disqualify us to be altogether as good judges of what grievances they may labour under, or of what supplies they can afford to raise, as they themselves. It is every one's own feelings can best inform him wherein he is aggrieved or distressed. And this is the case of every nation, as well as of every individual; and therefore none should be excluded a proper share in their own government.

And it may be further observed, that the dissolution of an empire, is not always to be considered as inevitable, where some parts thereof are possessed of a power, by no means consistent with that unity of government I have been speaking

speaking of. Nay it is possible that such a power may never be found productive of any great inconvenience. To this purpose the case of Ireland, as forming a part of the English dominions, may be readily instanced. For the power of parliament in that kingdom, to reject and throw out money-bills, as well as their very extensive authority on other accounts, must certainly be acknowledged as not quite consistent with this unity. Here, most undoubtedly, is a great defect in point of theory; and yet the inconveniences arising therefrom, in practice, have been hitherto by no means considerable. Nor can it be denied but most governments, in some respect or other, are extremely defective, although perhaps not very many in the particular now mentioned; as despotic ones, which are by far the most numerous, are seldom exceptionable on this account. But the truth of the matter is, it is not so much the best form of government, as the most exact and regular administration of justice, that most effectually fastens together the different parts of an empire, whereon the stability and duration of it must ever necessarily depend. And it is seldom that the people abuse

the power they are possessed of to their ruin, but only when they have received very heavy provocations to enrage them, from the excesses of their governors. And the most perfect model of government in the world, where according to it justice is not duly administered, is no security against the outrages of the people.

But, after all, it must be confessed, that the most perfect form thereof is ever the most eligible. For the rights of mankind can never be too well guarded. And it is under this sort of government they certainly stand the best chance to be least invaded. I know no reason therefore why we should think so very hard of the Americans, only because they are so strenuous to have theirs established upon this footing, and because they are so unwilling to submit to the mode of taxation here proposed, which several, even among ourselves, have not the highest opinion of.

I could therefore most heartily wish, that the fourth and last above-mentioned, was as convenient and practicable, as it is just and equitable. To convene indeed our colonial representa-

sentatives at London, would certainly be attended with very great, though I dare not say quite insurmountable, difficulties. To the equity of this measure the Americans themselves, I presume, could have nothing fairly to object. However, it would not be extremely easy perhaps to settle the number of members to be sent by each province. But yet this business, I make no doubt, might in time be adjusted. But the inconveniences, arising from the distance they lie from us, are perpetual, various and complicated. As to those, indeed, which attend only the chusing a new parliament, they may perhaps, by proper means, be considerably lessened, although not wholly removed. It is true, if our parliaments were annual, as they ought to be, they would rather increase; but even then they might, I believe, be in a great measure remedied. But should the king, at any time, be disposed to dissolve his parliament, and convene a new one, as hath been often done, only on a few weeks notice, this, upon the above footing, could not be effected. And yet, I believe, a variety of cases might occur, wherein this may be proper, if not necessary.

But were the duration or dissolution of parliaments fixed wholly to stated times, a thing, by the bye, not at all to be wished for, the difficulties upon these occasions would not certainly be quite insuperable. The method however of examining and deciding contested elections when necessary, must undoubtedly, with respect to America, be set, in a great measure, upon a different footing from that at present practised in this kingdom. But to sketch out a plan for removing these or the like difficulties, is not within my present design, as it is not in the least, at this time, probable, that an American representation will ever be convened in England. But there are other difficulties, which, in my opinion, form a much more considerable objection to this scheme; that whenever the colonies shall have occasion to have a recourse to parliament, for their intervention in more particular provincial business, as from the nature of things they often must, their distance from it will render it in a manner impracticable. They will be almost wholly excluded the benefit of private acts, by reason of the immoderate expence, both of time and money they must be at to procure them.

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And yet applications to parliament for such purposes may often become necessary. Besides, there may be an infinite number of occasions, respecting matters of a more public nature, such as the repairing of high-ways, making rivers navigable, and cutting canals, with a variety of other things of the like kind, wherein recourse must be had to parliament, and yet the expence be supported chiefly, if not wholly, by private persons. But in either case it will be a considerable burden, and as considerable an objection to all undertakings of that sort. And the delays in business occasioned by such long voyages, as those from America to England, must greatly retard it, and no less discourage those who are concerned in it. Besides, when at any time it should become necessary, as it often happens, to produce witnesses, in support or prosecution of any cause, America lies at such a distance as scarcely to admit of it. Therefore, upon all these, and many other very similar accounts, I can only consider this scheme as barely practicable. However, should the Americans prefer it to any other, as it is an establishment they have, I think, an undoubted right to, I know not
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how we can, in conscience, debar them of it. But if they could be otherwise satisfied, with any conditions that we can safely grant them, this mode of compromise, which may be justly termed the *dernier resort*, may as well be waved, as it cannot be effected, it is evident, without immense trouble.

And now, since each of the methods above proposed, is pregnant, as we have seen, with a variety of difficulties, hardships and inconveniences, it may here be asked, what measure then upon the whole is most eligible, and fittest to be pursued on the present occasion? But to give a plain and decisive answer to this question, is, perhaps, the greatest difficulty of all. And though I may not be able rightly to solve it, I cannot consider the above remarks as wholly useless, if they only serve to point out, and convince the public of this very difficulty by a proper explanation of it, and so dispose them, at least, to be a little less censorious towards all parties concerned in this very intricate business. For it really is, in my opinion, as arduous and important a question, as ever the English government was engaged in.

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And if they should be divided in their sentiments upon it, and uncertain what measures to adopt and follow, it cannot be matter of just wonder or censure.

But it must be confessed that in all our transactions with the world, the temper and dispositions of those we have to deal with, is generally the best index to point out the measures most proper to be pursued upon any occasion. But that they should never be in themselves unjust, I need not here observe; and the truest policy, I am very certain, is ever founded in the soundest morality. Besides, the Americans, as they must inevitably lie under some very considerable inconveniences, have, I think, if they are not permitted to be represented in our senate, a right of chusing what mode of government they should best like, provided it be not inconsistent with the sovereignty of England over them. For what England seems chiefly to have a right to dictate is, that they shall continue in subjection to her, and form a part of her dominions, upon the footing of her own laws and constitution. The one, I think, she has a right to
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command ; and the other they have a right to claim. But if less rigid terms are agreed or consented to on either side, it must be considered as matter of favour and indulgence. As for example, if England should grant the Americans the same conditions as the Irish now enjoy, in respect to the article of levying taxes, it should be deemed only as matter of grace, to be resumed at pleasure. And custom, of however long a standing, can never convert it into matter of undeniable claim. And again, should the Americans consent to be taxed in the British parliament upon its present footing, it is such a submission as cannot be equitably insisted on, they having always a right to be represented in the assembly they are taxed by, or which forms the popular branch of their legislature.

These appear to me to be true limits of right and equity on either side. And here may easily be found a criterion, whereby to judge of the claims and concessions of both parties. To be placed upon a level with the rest of the subjects of the British crown, is the utmost the colonies can challenge. And to
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refuse them this, is more, I believe, than can be rightly justified upon the principles of common honesty. But supposing this were quite impracticable, and either party must necessarily make abatement, several reasons, and very plausible if not solid ones, may be urged, why this should be done on the part of the colonies. For although the common rights of mankind should, with the utmost tenderness, be preserved inviolate: yet there may be occasions whereon they may be fairly and justifiably abridged. Indeed something of this kind, with respect to individuals, is congenial to the very essence of all government. For every member of a regular society is supposed voluntarily, for the sake of the common good thereof, to resign some portion of the rights and privileges wherewith nature has invested him, into the hands of those, who may be expected to use them with more impartiality and discretion. Thus every man is naturally constituted sole judge in his own cause; a prerogative which yet government permits no one to exercise, as it would be destructive of the very existence of it, as well as of that of society. In the same manner and for the same reasons,

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the Americans might be justly divested of some portion of their natural claims, if government cannot be supported upon more equitable terms, or at least if it should be dangerous to England, to allow them the enjoyment of a more unlimited power. I do not say that we have a right to subjugate any people, only because they are troublesome; but if they are truly dangerous we certainly have. Nor yet is it at all warrantable to abridge the just liberties of any country we may possess ourselves of, merely because we cannot otherwise maintain our sovereignty over it, unless our safety were actually at stake, and absolutely required it.

But the case, perhaps, may be in some degree altered, when such country is planted by our own natives, and especially at our own expence; or indeed by any people whatever, who were previously well informed of the nature of the grant, and the terms whereon they were to occupy it. Thus they who first migrated from England to settle in America well knew, I presume, they were still to continue the subjects of the same government. And if
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their charters were not so explicit as they should have been, in regard to some particulars they believed they had a right to; yet still they could only claim the most favourable conditions the nature of things would admit of. They knew they were not to be independant: but if they were really more strictly tied down by them than there now seemed to be occasion for, I fairly confess, that ought to be no argument, in my opinion, for debarring them of better terms. For no one, I imagine, would doubt, if their charters granted them an inconsistent power, but they might be justly cancelled, as no government can be supposed to alienate prerogatives necessary to its safe existence. Therefore equity, at least, would dictate to us the like procedure in the opposite case, it being just as reasonable to abolish all unnecessary limitations on the one hand, as it would be to augment and multiply them on the other. However, a right of sovereignty in this case, we may undeniably claim and vindicate: and though we might safely grant them absolute independency, yet whatever generosity might suggest, justice does not seem to require it; notwithstanding the terms of submission might

be somewhat hard. But this, in acquisitions of another nature, would not, perhaps, be quite so defensible.

Now, our title and pretensions to all our American provinces are of that sort that seem fairly to justify our asserting and preserving our sovereignty over them, although at the expence of some portion of their natural prerogatives. They partly consist of our own plantations, and partly of the conquests we have made from a nation, in whose hands it would have been dangerous for us to have them continued. In both which cases we have the most unexceptionable right to keep them upon such a footing as will best consist with, and support our government. And had we, indeed, the generosity to declare them independent, as finding that our keeping them must inevitably superinduce a necessity of abridging their natural liberty, yet this would not be consistent with our safety. They would immediately fall a prey to the French, and, of course, would be such a weight in their scale, as might contribute not a little to endanger, if not overturn the liberty of all Europe. For it would help
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to give them the mastery of the seas, which seems to be the only thing that more peculiarly humbles, and keeps them within their present bounds. Our very being, therefore, at least as a free people, depends upon our retention of them: nor is it the interest of any one nation whatever, who have the French for their neighbours, that it should be otherwise. Much less then is it the interest of the Americans themselves, as they would soon be made sensible of the difference of the two governments. The Gallic yoke they would experience to their cost, is not so easily borne. They are now treated as children; their complaints are heard, and grievances redressed; but then they would be treated rather as slaves, having the swords of their masters perpetually held at their throats, if they should presume to offer half the indignities to the officers of the French crown, which they have often, with impunity, done to those of the British.

At present they enjoy, in general, the full benefit of the English laws and constitution. Nay, they have assemblies of their own to redress their grievances, and regulate their polity.

lity. Therein they exercise an authority little inferior to that of the British parliament. And indeed what they seem to struggle for is, to be set upon a footing equal to it. And if that should be done, what marks of sovereignty will they allow us to enjoy? What sort of claim will they indulge us with? Only, I suppose, a mere titular one. And, if so, would they then expect that we should still protect them with our forces by sea and land? Or will they themselves maintain an army and navy sufficient for that purpose? This they certainly at present are not able to do, if they were not sheltered by the wings of Great Britain. And to contribute a reasonable proportion for this purpose is all we require of them. This, indeed, they will say, perhaps, they are not unwilling to do, if they are allowed to do it as an act of their own; nor should that privilege, in my opinion, be refused them, if they are not permitted to be represented in England: for this alternative should certainly be left to their option: and for such a measure I have been all along an advocate. For as the inconveniences, arising from such a representation must almost wholly fall to their share,
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it is what we may with the less reluctance grant, as we can with the less propriety refuse them : nor is there any reason to apprehend that they should be at all formidable to England, as their number might be properly limited, as those of Scotland were at the union.

But here I am arguing upon a supposition of the absolute impracticability of this measure. Upon this view of the point in question, I still insist that the Americans, no less than the English, should contribute a due proportion for the support of government ; yet this again they may possibly affirm that they actually do. But here, in order to an impartial decision of this case, we want a proper criterion to judge by : for an exact estimate can scarcely be made of what expence their protection stands in to Great Britain. Besides, we can certainly afford to protect them at less expence than they could afford to protect themselves, were they either so many independant states, or only one general community. For the same forces it would be necessary for us to keep on foot, upon our own proper account, may serve in a great measure to guard them likewise. However, it
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is not a very inconsiderable addition thereto we are obliged to make, merely for their defence. And this, at least, they ought to maintain. But if they should argue that these forces may be safely reduced, and consequently the expence of supporting them ; this is little to the purpose. For though their remonstrances, upon all occasions, should be candidly heard, and duly regarded, yet, in the last result, England is still to form her own judgment, and is not to be dictated to by her colonies : for should that be the case, it is no longer England, but her colonies, that govern. And, besides, they are justly chargeable with a certain portion of the *civil list* ; for this most indubitably constitutes a part of government. How this article, at present, is managed in England, is not now my business to inquire : but certain it is, that in all regal governments it is indispensable, unless an equivalent provision is otherwise made, for the king's maintenance and private charges, by an allotment in lands, or some such other property ; which, by the bye, would give him such a weight in the state, over and above that necessarily resulting from his prerogatives, as in the estimate of many, perhaps, were scarcely to be wished

wished for. And even in commonwealths the pomp of government, if I may so call it, is unavoidably attended with expences, and not inconsiderable, of a similar nature. It is therefore but reasonable that the colonies, as they are part of the state, should bear their share of these, as the necessary charges of it. Were they obliged to do so, I see no reason they should justly have to complain.

The immense taxes which England pays are known to all. It is not indeed very easy to calculate what proportion of a man's labour, or how much of his wages should be considered in this light; but certainly it is extremely large. America, however, is not in a condition to pay the taxes that England does, as not having the same advantages; yet surely if an Englishman works one day in the week, let us suppose, for the public; an American, I should imagine, may afford to work on the same account, at least one day in a fortnight. There are obvious reasons for a considerable lenity in favour of the Americans; because an infant colony, circumstanced as ours is, lies under many disadvantages. For they have land

to clear, houses to build, roads to make, fences to erect, trees to plant; and, in short, everything that can be imagined for converting a wilderness into a habitable country. And besides, all this is to be done in opposition to a variety of difficulties, which, though each by itself may seem scarcely to merit notice, yet taken collectively, are by no means inconsiderable. Tools and engines, for instance, are seldom so conveniently fabricated there, as in a country antiently inhabited, wherein generally artificers, in all the more necessary branches are commodiously situated. The distance of their residence likewise, as it often happens, from the spot they cultivate, is another impediment to their dispatch of business. But it would be endless to enumerate them all. This, however, is by no means the universal state of our plantations. In many parts they are little, perhaps, or nothing at all inferior in respect of these conveniences, to the mother-country. Yet after all, if it appears right to us to extend our colonies, it ought to appear no less right to us to give them all due encouragement. And one way of doing this, most certainly is, not to be over-rigorous in taxing them. For heavy
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taxes are heavy oppressions, although, as far as they are absolutely necessary, however burdensome, they scarcely deserve the appellation; for their being necessary is sufficient to justify them. Yet they should not be wantonly accumulated, as nothing more emphatically depresses a state, or discourages improvements. In Molefworth's history of Denmark, I think, it is said, that in a certain northern province of that kingdom, the lands were so highly charged, that the peasants petitioned the king's acceptance of them fully and wholly to himself, rather than pay the taxes imposed upon them; which, however, he did not care to do, as well knowing they could not possibly be of any use to him, any farther than they were cultivated. And thus any country may be equally distressed by excessive taxes.

How far this would have been really the case, in respect of America, if the late *stamp-act* had taken place, is more than I can tell. It was indeed complained of as enormous, although it was not here the capital objection against it was grounded. But this, perhaps, is

not quite clear. For although, on the one hand, the English may be considered rather as incompetent judges; all that the Americans are pleased to say on the other is scarcely to be admitted always for fact, especially in a matter where interest may justly be supposed to have so much influence. Yet it must be granted, that they know best the state of their own finances, and what taxes they can afford to pay; in the imposing whereof there are some circumstances which merit attention, that, in regard to the act above-mentioned, may not perhaps have been properly considered. And, in particular, due respect should be had, to the difference of the value of money in both countries. Of this difference I do not pretend to be a perfect master, although it may be easily ascertained. Indeed what quantity of specie they have circulating among them I know not; but from a variety of circumstances, I have reason to conclude they are, in this point, by no means upon a level with England. And therefore it is possible that six-pence additional duty upon any article among them, may be equal to a much larger sum with us. But, admitting the difference

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ference were only as one to ten, or even less; yet I still think that, in cases of this nature, it is a consideration that should not be left wholly unregarded.

But there is an advantage to be derived from this very difference, were the point carried to all the nicety it would admit of. For were it really material, a proportionable reduction might be made in the pay of the forces stationed in that country;—but this is a saving I would by no means recommend. It would, on many accounts, be cruel to attempt it, unless it were only among the provincials. But even among them, it is probable it would prove a measure highly imprudent, if not worse; for I know of no greater folly than to render, as it might, any part of our forces disaffected. —But, to proceed.

Whatever lenity her colonies may be entitled to from England, whether on the above accounts or any other, it is very certain that England is entitled to a great deal of gratitude from her colonies. They cannot be ignorant that if it had not been for the English they must have

have been long since swallowed up by the French; and what their condition must then have been, they may easily judge. That the late war was chiefly kindled, and carried on upon their account, can scarcely be denied: and the many millions of debt which we have thereby contracted, as well as the immense number of lives therein sacrificed, are not matters of so very little moment as not to deserve to be considered. But they will object, perhaps, that all this while it was our own safety and benefit we had ultimately in view. Yet this very objection, it is not impossible to convert into an argument in our favour. For if it were only or chiefly our own ends we had in view, and they, knowing that, joined with us in the same cause, is it not an evident proof how favourable an opinion they, at that time, entertained of them? If then our views were really unjust, why did they co-operate in support of them? But if they were just, why will they now go about to frustrate them, by the steps they seem to take to shake off our sovereignty? For if this should happen, these views will be abundantly defeated: and our peace and safety, instead of being secured, will become

come even more precarious than ever. For as soon as they are no longer dependant upon England, they may be assured they will immediately become dependant upon France. And their weight in that scale is what all Europe besides have reason to dread.

But could they really support their own independancy, we are by no means sure whose friends they would be in case of a rupture. And whatever reasons there might exist to dispose them in our favour, in preference to the French; yet how far these would operate, no one can pretend to say. For we have seen the Dutch, very lately, siding with the French, their inveterate enemies, from whom they have every thing to fear, against the English their ancient allies; to whom in some degree they owe their very being. And this alone is sufficient reason for us to be jealous of our sovereignty.

But evident it is, that, whatever benefit England might propose to herself in the prosecution of the late war, the colonies themselves have been incomparably the principal gainers by it. Now they enjoy a peace and tranquillity, which
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they scarcely ever knew before. And if they have any thing to fear, it is chiefly from the Indians, their neighbours, whose outrages they have often too justly provoked. And the diligence wherewith our government has protected them from insults and rapine, as well from that as every other quarter, seems, in theory at least, to demand some degree of gratitude. But as I have all along in the former part of this essay, allowed and defended the justice of their claims, it may here be queried, wherein then are they to be condemned? It is not indeed for their jealousy of their rights and liberties, but for their riotous and seditious manner of asserting them. Besides, England, on her part, has much to say on this occasion, to justify her conduct. She is conscious she has a right of sovereignty over them, which perhaps may not be quite so easy to maintain, when the point in dispute is given up. And this sovereignty she well knows to be a matter of the last consequence for her to support. Nor am I very clear how much less she has at stake, in the decision, than the Americans themselves; only it is probable that they would be the first sufferers, should their connection with her cease.

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And therefore she may well be jealous in her turn, and as tenacious of her prerogatives. For she has a right, and a weighty one, to assert, as well as they. And if she had not thought proper to center almost all her care, as she has done, upon making the late peace, in procuring them a safe establishment, and to sacrifice to it in a manner every other object, she might, at least, expect from them a more decent and dutiful demeanor. Firmness and outrage are two very different things; and they might easily have shewn the former without being guilty of the latter. Nor would they have been at all, I would hope, the less likely to be heard for it in the British parliament. And it seldom happens that any one fares the better for his insolence.

But if they should think it their interest to set us wholly at defiance, and were able thereby to secure some points, which England might rather chuse to give up than contest, yet I can hardly consider it as the most consummate prudence. For if their insolence should continue to increase, as it seems to do, in proportion to her concessions to them, and nothing

less than absolute independency should content them, it will probably force her upon quite other measures; and they themselves will be the first, that shall have cause most signally to repent of their conduct. For should matters on all sides, as I hope they never will, be carried to extremities, I cannot take upon me to say but England may yet produce both a ministry and a parliament that would rather share them once more with the French, than totally relinquish her present pretensions, from a very just conviction that such a step would be much more politic than to suffer them to throw themselves wholly into the arms of that nation; and such a measure, under such circumstances, would be abundantly defensible, however awkward it may sound at the first mention. But I hope they will never be so egregiously infatuated as to render it inevitable; for if they do, they may very soon find themselves again involved in the same scenes of bloodshed and horror, out of which they have but lately emerged. But such an event is dreadful even to think of at a distance: nor is it by any means grateful to me to suggest the idea of it to the imagination, but that, if
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duly and seasonably reflected on, it may dispose them to more temper and moderation, without which it is impossible for them to act with reason and propriety.

It would not be amiss, perhaps, to ask them, what bounds they would be content to fix to their claims and demands upon us, as hitherto they seem to be at a loss where to stop. And it is but very lately they were pleased to make distinctions and describe barriers, which they have since not thought fit to admit of. It was only their own produce they then objected to our right of taxing; but now, our's likewise, it seems, is entitled to the same exemption in their ports. All this, for my own part, I have candour enough to grant, under the predicaments I have more than once mentioned. For the positions I advance are, First, that the Americans, no less than the English, have a right to be represented in the assembly they not only are taxed by, but wherein the laws in general they are governed by are enacted: Secondly, that the legislative power of every kingdom or empire, should center in one supreme assembly: Thirdly, that, as a consequence

of both these positions, the Americans should be allowed, if they should chuse it, to be represented in the British senate: and, Fourthly, that in case that should be found impracticable, they should be allowed such an establishment, in subordination to the sovereignty of England, as should appear most favourable to their rights and liberties. This is the system, and these are the principles I have all along argued upon and supported; but, that they will be objected to by some of both parties, I can easily foresee. However, I think they are in themselves just, which to me is sufficient. And, certain it is, that, in order to a right understanding in this debate, it were much to be wished that some fixed principles were on all sides agreed to and established, whereupon to ground the whole superstructure of their subsequent reasoning. But this is only to be wished, and not to be expected in cases of this nature; nor, indeed, were they actually adjusted, would it probably much mend the matter. For it is not unusual to see people, as interest inclines them, draw quite opposite conclusions from the same premises; or, what is still worse, if possible, what is granted at one time, is totally disavowed or denied

denied at another, as seems to be the case of the *New Englanders* in particular, in relation to the business above-mentioned.

And I must freely own, that whatever opinion I may have of their right, I certainly have not quite as favourable a one of their conduct, which often is neither consistent nor prudent. If they are really willing we should exercise any acts of sovereignty among them at all, the imposition they have so riotously resisted, might not improperly, perhaps, have been allowed better quarter; for it could have occasioned no further hardship than was voluntary, they having it always wholly left to their own choice to buy the commodities so charged, or not. Had they quietly submitted to an imposition of this nature, while they were allowed the full enjoyment of their more important privileges, it would, not improbably, have proved such a compromise of matters, as they might never have had cause to be sorry for. Of this, however, I have but little to say, only that I am very certain the resistance they have made to it was absolutely inconsistent with the demeanor usually expected from subjects towards their governors.

governors. Less tumultuous proceedings would, undoubtedly, in most mens opinions, have been deemed much more becoming: and our government, I should humbly hope, would have paid full as favourable an attention to their just remonstrances.

But unless the reciprocal claims and rights, on both sides, are more duly regarded, and better established, little else than disorder and confusion are to be expected; and if they are not seasonably put a stop to, it is impossible to foresee what may be the issue. The proper bounds and limits of these should therefore be fairly adjusted, as the most direct means to redress grievances, and to introduce harmony and good intelligence. And were that done as it ought, we might then hope that the colonies, on the one hand, should no longer have cause to complain of incroachments on their liberties, on the part of the English, nor yet the English, on the other, to complain of the unequal payment of taxes on the part of the colonies; both being equally obliged to do justice by each other. And this, were it only attempted with that temper and coolness that would permit people to distinguish

distinguish right from wrong, might be totally effected ; although indeed, from the untoward nature of things, not with all the impartiality and exactness one could wish. Nor should mere custom, nor any charter or law in being, be allowed any great weight in the decision of this point ; for truth and justice, whereon government should ever be founded, and not in power, are prior to all these, and therefore ought chiefly, if not solely, to be consulted. Prudence, however, which includes nothing thereto contrary, should no doubt be duly regarded : for upon all occasions, not only what is in itself just, but also what on each in particular is directly proper, should always be done. And in the determination of this point, prudence seems principally concerned ; the dictates whereof more especially should be attended to, in framing our conduct in regard to what I am here going to mention, I mean the possibility, or rather probably there is, that the Americans may insist upon the same rights, privileges, and exemptions as are allowed the Irish, because of the similarity, if not identity, of their connections with us. Hence it may be thought hard, perhaps, that in a case, in appearance

pearance circumstanced so much alike, our conduct should not be alike too. Indeed were this real fact, there might still exist very solid reasons for a difference of conduct; but the truth is, their case, in my humble opinion, is, on some accounts, far from being so very similar. I will say nothing of our original claim to either country, but that it is full as good as the world in general, in matters of this kind, can produce. But if any distinction were to be made, most certainly, of the two nations, the Americans are least entitled to any lenity on that score; and yet I believe most people are of opinion, they have been hitherto, by far, the most favoured.

But, in matters of this nature, England seems to have a discretionary power, which, however, she has no just power to exercise inequitably, as I hope she never will; and the terms she may think safe and proper to grant the Irish, she may judge full as dangerous and imprudent to grant the Americans: for as they lie at such a distance from us, they may have it much more in their power to create disturbances with impunity; because, long before we could send among
them

them any considerable number of forces, they might do a great deal of mischief, if not actually overturn all order and government. But this is not so very exactly the case with respect to Ireland, which lies almost contiguous to us. These, and several other reasons might be offered, why the same measures, in regard to both nations, might not be altogether alike convenient and adviseable. I do not, however, deliver it as my fixed opinion, that they should be placed upon a less advantageous footing than the Irish, if their conduct doth not evidently render that unsafe. But I only mention these as obvious arguments why such seeming partiality may possibly, in fact, be no more than what strict justice admits, and sound policy requires. Rigorous measures I certainly am no advocate for, in matters of government more particularly, excepting only when they become altogether indispensable: for nothing less than absolute necessity can justify them.

And if the Americans, at this time, would, in any tolerable proportion, contribute their quota of taxes, and otherwise should demean
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themselves as dutiful and loyal subjects, I am not the only person, I suppose, that would chuse rather to suffer their antient establishment, however imperfect, to remain undisturbed, than oblige them to any innovations, at the expence of an open rupture. But government, however, is not to be trampled on; and a proper degree of firmness is no way inconsistent with the most perfect lenity. Yet while we expect every thing from them, we ought carefully to see that we, on our part, are not wanting. Whatever justice is due to us, is due to them too. If they ought to support the expence of government, as well as we, they ought also, as well as we, to enjoy the full benefit of that government; and, if we insist upon the former, they, in their turn, may justly insist upon the latter.

And the utmost of their claim, upon this ground, can amount only to a proper representation in the British senate. This, I believe, if they are to obey the laws enacted there, they have a clear right and title to, unless it can be fairly proved they are unworthy the
same

same privileges and advantages, as we of this nation enjoy. But this, I presume, cannot very easily be made to appear; and therefore I conclude this claim to be good. But if they should wave it, as impracticable, it would not, I conceive, be improper to grant them the benefit of their own assemblies, upon their present footing, allowing their acts to be only of force, while not declared otherwise in that superior one of Great Britain. Hereby an union of government might perfectly be preserved, and the colonies, at the same time, allowed all the advantages the nature of their situation would admit of. But, if nothing less than absolute independency should content them, I am ready, for the most important reasons, to join in whatever measures shall appear most justifiable and proper for frustrating their views, and asserting our own claims; for England must either maintain her sovereignty, or hazard her safety.

With these brief observations, I shall at once close this short essay, and take leave of my reader, to whom, I presume, my sentiments in general, upon this subject, will appear, if not

altogether just, yet perfectly humane, liberal, and friendly to the common interests of mankind. For I am not conscious to have advanced a single position throughout the whole of a different tendency. However, if I should be found to be mistaken, I desire no better quarter than the humane reader may think I merit.

F I N I S.

An Inquiry into the nature and causes of the present disputes between the
British Colonies in America and their mother-country

London 1769

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